

ORDINANCE NO. _____, SERIES 2007

**AN ORDINANCE AMENDING, REPEALING AND REENACTING
VARIOUS SECTIONS OF THE LOUISVILLE/JEFFERSON COUNTY
METRO GOVERNMENT CODE OF ORDINANCES (“CODE”)
CHAPTER 156, KNOWN AS THE PROPERTY MAINTENANCE CODE.**

Sponsored By: Councilman Kevin Kramer

**BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE
LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS
FOLLOWS:**

SECTION I: Pursuant to the provisions of KRS 67C.115 (2), and to maintain the provisions of the Property Maintenance Code set out in the Code, Chapter 156 is hereby amended, repealed or reenacted as follows.

§ 156.001 TITLE.

This chapter shall be known as the Property Maintenance Code of the Metro Government, hereinafter referred to as the existing structures code or “this code.” This chapter shall also be known as the Nuisance Code of the Metro Government. This chapter is enacted pursuant to KRS 67.083(3)(a),(j) and (k).

§ 156.002 SCOPE.

Except as provided in § 156.057, the provisions of this chapter shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration;

enforcement and penalties. These requirements and standards shall only be applied to the exterior of occupied nonresidential structures when such structures are located within or contiguous to a Metro Government block containing residential uses on a majority of the lots.

§ 156.003 INTENT.

This chapter shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

§ 156.004 APPLICABILITY.

(A) *General.* The provisions of this chapter shall apply to all matters affecting or relating to structures and premises, as set forth in § 156.002. Where, in a specific case, different sections of this chapter specify different requirements, the most restrictive shall govern.

(B) *Maintenance.* Equipment, systems, devices and safeguards required by this chapter or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. The requirements of this chapter are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

(C) *Application of other codes.* Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the codes and

regulations listed in the Appendix. Nothing in this chapter shall be construed to cancel, modify or set aside any provision of the Land Development Code for Jefferson County Development Code.

(D) *Existing remedies.* The provisions in this chapter shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure, which is dangerous, unsafe and unsanitary.

(E) *Workmanship.* Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this chapter shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

(F) *Historic buildings.* The provisions of this chapter shall not be mandatory for existing buildings or structures designated by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the Code Official to be safe and in the public interest of health, safety and welfare.

(G) *Referenced codes and standards.* The codes and standards referenced in this chapter shall be those that are listed in the Appendix and considered part of the requirements of this chapter to the prescribed extent of each such reference. Where differences occur between provisions of this chapter and the referenced standards, the provisions of this chapter shall apply.

(H) *Requirements not covered by chapter.* Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public

safety, health and general welfare, not specifically covered by this chapter, shall be determined by the Code Official.

(I) *Existing buildings.* A building facility, or portion thereof, which was constructed and approved prior to the effective date of this chapter and its administrative regulations, shall be maintained as previously permitted. A change to the construction of the building in excess of that required by the codes at the time of construction shall not be required if the building is used and maintained as originally approved.

§ 156.005 DEFINITIONS.

(A) *Scope.* Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

(B) *Interchangeability.* Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

(C) *Terms defined in other codes.* Where terms are not defined in this code and are defined in the International Building Code, International Fire Code, International Zoning Code, International Plumbing Code, International Mechanical Code, ASME A17.1 or the ICC Electrical Code, such terms shall have the meanings ascribed to them as in those codes.

(D) *Terms not defined.* Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

(E) *Parts.* Whenever the words ***DWELLING UNIT, DWELLING, PREMISES, BUILDING, ROOMING HOUSE, ROOMING UNIT OR STORY*** are stated in this chapter, they shall be construed as though they were followed by the words "or any part thereof."

APPROVED. Approved by the Code Official.

BASEMENT. That portion of a building, which is partly or completely below grade.

BATHROOM. A room containing plumbing fixtures including a bathtub or shower.

BEDROOM. Any room or space used or intended to be used for sleeping purposes.

CITY BLOCK. An area of land bounded on all sides by streets as that term is defined, language and definitions, of the Development Code for all of the Metro Government, but excluding alleys as that term is defined, language and definitions, of the Development Code for all of the Metro Government.

CODE OFFICIAL/DIRECTOR. The official who is charged with the administration and enforcement of this chapter, or any duly authorized representative.

CONDEMN. To adjudge unfit for occupancy.

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

EXTERMINATION. The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serves as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

GARBAGE. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

GUARD. A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

HABITABLE SPACE. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

IMMINENT DANGER. A condition, which could cause serious or life-threatening injury or death at any time.

INFESTATION. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

LABELED. Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards.

LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

OCCUPANCY. The purpose for which a building or portion thereof is utilized or occupied.

OCCUPANT. Any individual living or sleeping in a building, or having possession of a space within a building.

OPENABLE AREA. That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PREMISES. A lot, plot or parcel of land including any structures thereon.

PUBLIC NUISANCE. Includes the following:

(1) Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, swimming pools, ponds, basements, excavations, and unsafe fences or structures, as well as the keeping, placing or storage of any refrigerator, ice-box, ice-chest or other similar device or appliance, accessible to children on the exterior premises or in any common hallway, public area or premises; or

(2) Any premises which has unsanitary sewerage, plumbing facilities, or storm drainage; or

(3) Any premises designated as unsafe for human habitation or use; or

(4) Any premises which is manifestly capable of being a fire hazard, or are manifestly unsafe or unsecured as to endanger life, limb or property; or

(5) Any premises from which the plumbing, heating and/or facilities required by this chapter, have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided except in times of repair or renovation by management; or

(6) Any premises which is unsanitary, or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds or contains vehicles in violation of § 156.052(H); or

(7) Any tree which is in danger of collapse or which poses a danger of contamination because of disease, decay, injury, infestation, or damage; or

(8) Any structure or building that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent as not to provide shelter and or in danger of collapse or failure and dangerous to anyone on or near the premises; or

(9) The disposal or accumulation of any foul, decaying, or putrescent substances or other offensive materials dangerous to public health in or on any premises which shall by reason of offensive odors become injurious to the health of any person.

ROOMING HOUSE. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

RUBBISH. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

STRICT LIABILITY OFFENSE. An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act, which was prohibited, or failed to do an act, which the defendant was legally required to do.

STRUCTURE. That which is built or constructed or a portion thereof.

TENANT. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOILET ROOM. A room containing a water closet or urinal but not a bathtub or shower.

VACANT. A structure, which is not legally occupied, or legally in use.

VENTILATION. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, inline; undamaged and without marring adjacent work.

YARD. An open space on the same lot with a structure.

REQUIREMENTS

§ 156.050 GENERALLY.

(A) *Scope.* The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

(B) *Responsibility.* The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this chapter. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit or premises, which they occupy and control.

(C) *Vacant structures and land.* All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

§ 156.051 RESPONSIBILITY OF PERSONS.

(A) *General.* The provisions of this subchapter shall govern the responsibilities of persons for the maintenance of structures, and the equipment and premises thereof. Every owner and occupant must fully comply with all the provisions of the Uniform Landlord Tenant Act/Ordinance. The occupant shall promptly notify the owner of any deficiencies and violations of this chapter. All premises shall be kept and maintained free of any public nuisance.

(B) *Sanitary condition.*

(2) *Disposal of rubbish.* Every occupant of a structure or part thereof shall dispose of all rubbish in a clean and sanitary manner by placing it in leakproof approved containers, as required by § 156.055.

(3) *Disposal of garbage.* Every occupant of a structure or part thereof shall dispose of garbage in a clean and sanitary manner by placing it in garbage disposal facilities, or if such facilities are not available, by securely wrapping such garbage and placing it in leakproof approved containers, as required by § 156.055.

(4) *Garbage storage facilities.* Every dwelling unit shall be supplied with an approved garbage disposal facility, which shall be any adequate mechanical food waste grinder in each dwelling unit or leakproof approved containers, as required by § 156.055(E). Such facilities shall be sufficient to meet the needs of the occupants.

(5) *Rubbish storage facilities.* Every dwelling unit shall be supplied with leakproof approved containers as required by § 156.055(E) for storage of rubbish, and the occupant shall be responsible for the removal of such rubbish.

(6) *Food preparation.* All spaces used or intended to be used for food preparation shall contain suitable space and approved equipment to store, prepare and serve food in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage when necessary. Approved equipment shall consist of:

(a) A listed or approved cooking stove or similar device designed for cooking food, properly installed with all necessary connections for safe, sanitary and efficient operation, and in proper working condition, to be supplied by the owner; provided, however, the owner may specify that this shall be the responsibility of the occupant if sufficient space and adequate connections are provided.

(b) A refrigerator or similar device capable of the safe storage of food at temperatures less than 50° F. but more than 3° F. under ordinary maximum summer conditions, properly installed with all necessary connections for safe, sanitary and efficient operation, and in proper working condition, to be supplied by the owner; provided, however, the owner may specify that this shall be the responsibility of the occupant if sufficient space and adequate connections are provided.

(c) Cabinets or shelves of sound construction and easily cleanable, to be furnished by the owner, for the storage of eating, drinking, and cooking equipment and utensils, and of food

that does not under ordinary summer conditions require refrigeration for safe keeping, to be supplied by the owner.

(7) *Supplied fixtures and equipment.* The owner or occupant of a structure or part thereof shall keep all equipment and fixtures therein clean and sanitary, and shall be responsible for the exercise of reasonable care in their proper use and operation. The owner shall maintain the supplied equipment and fixtures in good and proper operating condition.

(8) *Furnished by occupant.* The equipment and fixtures furnished by the occupant of a structure shall be properly installed, and shall be maintained in good working condition, kept clean and sanitary, and free from defects, leaks or obstructions.

§ 156.052 EXTERIOR PROPERTY AREAS.

(A) *Sanitation.* All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property, which such occupant occupies, or controls in a clean and sanitary condition.

(B) *Grading and drainage.* All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Water retention areas and/or reservoirs approved by the Code Official are exempted.

(C) *Sidewalks and driveways.* All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

(D) *Weeds.* All premises shall be maintained free from weeds or plant growth in excess of ten inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation other than trees or shrubs provided, however, this term shall not include cultivated flowers and gardens. Any plant growth exceeding ten inches in height on land of more than three acres that abuts residential property, other than crops, trees, bushes, flowers or other ornamental plants, shall be at least 50 feet from the property line abutting the developed neighborhood.

(E) *Rodent harborage.* All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes, which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation. Information to alleviate and prevent the infestation of insects, mosquitoes, flies, rats and other vermin may be obtained from the Louisville/Jefferson County Health Department.

(F) *Exhaust vents.* Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

(G) *Accessory structures.* All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

(1) *Gates.* Gates which are required to be self-closing and self-latching in accordance with the International Building Code shall be maintained such that the gate will positively close and latch when released from a still position of six inches (152 mm) from the gatepost.

(2) *Swimming pools.* Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

(3) *Fences.* All fences contained on any premises shall satisfy the height and location requirements as set forth in the Land Development Code.

(H) *Motor vehicles.* Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes. All motor vehicles on any premises, other than agricultural land, as defined in the Land Development Code, must be parked on a hard and durable surface, such as asphalt, brick or concrete, which limits or precludes particulate air pollution. In addition, motor vehicles may only be parked on those portions of the premises, which the Land Development Code allows as permissible parking areas.

(1) *Additional remedy.* In addition to the penalties provided in § 156.999, the Code Official may issue written notice and order to the registered owner of the motor vehicle parked or stored in violation of this section or to the owner or person in possession of private property upon which the motor vehicle is illegally parked or stored, requiring that the motor vehicle be removed from the county, stored inside a fully-enclosed structure or similarly-enclosed area designed and approved for such purposes, or that the violation be otherwise removed and abated within seven days. This notice may be served on the appropriate party either personally, by

first-class certified or registered mail or by affixing said notice to the motor vehicle parked or stored in violation of this section.

(2) *Removal by Metro Government.* In the event that any person fails to comply with an order issued pursuant to this section, the Code Official may have the vehicle parked or stored in violation of this section, removed and disposed of and may impose on the person violating the order a reasonable charge to cover the direct and indirect costs, if any, for the removal and disposition of the motor vehicle or major parts thereof.

(3) *Removal by agreement.* The Code Official may, on the proper execution of a waiver and authorization agreement in a form approved by the Jefferson County Attorney and subject to the available resources therefore, remove and dispose of any motor vehicle left on any public or private property within the Metro Government under circumstances indicating an abandonment, desertion, relinquishment or a divestment of the motor vehicle, at no cost to the person involved.

(I) *Defacement of property.* No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

§ 156.053 EXTERIOR STRUCTURE.

(A) *General.* The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

(B) *Protective treatment.* All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good

condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

(1) **Lead-based paint.** The owner must comply with federal and state statutes and standards and local statutes and standards for the abatement of existing lead base paint and the application of lead base paint.

(C) *Premises identification.* Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters, and shall conform to the requirements set forth in Chapter 97 of the Louisville/Jefferson County Metro Government Code of Ordinances. All existing premises properly identified in accordance to the identification standards in effect at the passage of this code shall be allowed to keep such identification until they are replaced, and then shall comply with this section.

(D) *Structural members.* All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

(E) *Foundation walls.* All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

(F) *Exterior walls.* All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

(G) *Roofs and drainage.* The roof and flashing shall be sound, tight and not have defects that admit water/moisture. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

(H) *Decorative features.* All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(I) *Signs, marquees, and awnings.* All canopies, marquees, signs, metal awnings, stairways, fire escapes, exhaust ducts and similar overhang extensions of residential structures and vacant structures shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition. They shall be protected from the elements and against decay and rust by the periodic application of a weather-coating material such as paint or other protective equipment.

(J) *Overhang extensions.* All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained

in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

(K) *Stairways, decks, porches and balconies.* Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

(L) *Chimneys and towers.* All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment

(M) *Handrails and guards.* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. Any alteration, modification, addition or replacement of a handrail or guard shall be in conformity with the applicable state building code requirements. Every exterior flight of stairs having more than four risers, and every open portion of a stair, landing or balcony, which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) and no more than 42 inches (1067 mm) high, measured vertically above the nosing of the tread or above the finished floor of the landing, walking surfaces or grade. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony or grade.

(N) *Window, skylight and door frames.* Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

(1) *Glazing.* All glazing materials shall be maintained free from cracks and holes.

(2) *Openable windows.* Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

(O) *Doors.*

(1) All exterior doors, door assemblies and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door. Locks on means of egress doors shall be in accordance with § 156.201.

(2) Double cylinder dead bolts requiring a key operation on both sides are prohibited on required means of egress. Key operation is permitted from a dwelling unit provided the key cannot be removed when the door is locked from the side from which egress is to be made.

(P) *Basement hatchways.* Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water. This section does not apply to basement apartments as long as they are in full compliance with all other sections of this chapter.

(Q) *Guards for basement windows.* Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents. This section does not apply to basement apartments as long as they are in full compliance with all other sections of this chapter.

(R) *Abandoned or dangerous sign.* A premises may not have on site an abandoned permanent or temporary sign or a dangerous sign. A permanent sign is deemed abandoned when the sign advertises an activity, business, product or service no longer conducted or available on

the premises on which the sign is located or on the premises referred to in the off-premise business sign. A temporary sign is deemed abandoned when the sign has not been removed within ten days after the event advertised on such sign has taken place. A sign is deemed dangerous when it becomes insecure, unsafe, dilapidated, or in danger of failing or collapsing, or when it constitutes a fire hazard or otherwise endangers human life or the public welfare; or when it is deemed unsafe by reason of illegal or improper use or maintenance.

§ 156.054 INTERIOR STRUCTURE.

(A) *General.* The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure, which they occupy or control, in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

(B) *Structural members.* All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

(C) *Interior surfaces.* All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be-repaired, removed, or covered. Cracked or loose plaster, decayed wood, and other defective surface conditions shall be corrected.

(1) *Lead-based paint.* The owner must comply with federal and state statutes and standards and local statutes and standards for the abatement of existing lead base paint and the application of lead base paint.

(2) *Bathroom and kitchen floors and walls.* Every toilet room, bathroom and kitchen floor surface shall be constructed and maintained so as to permit such floor to be kept in a clean and sanitary condition. Every toilet, bathroom and kitchen floor surface shall be composed of approved water-resistant materials and shall be substantially impervious to water damage; however, carpet will be allowed as a floor covering in these areas if areas were originally designed and approved for this type of floor covering and this floor covering has been used and maintained as to not cause a health or safety problem for the users of these areas. The walls of every bathroom, to a height of 48 inches if there is a tub and 72 inches if there is a shower, shall be constructed of water-repellant material in that area adjacent to the tub or shower, to prevent structural deterioration and any development of unsanitary conditions.

(3) *Free from dampness.* In every building, basements and crawl spaces shall be maintained to prevent conditions conducive to decay or deterioration of the structure.

(D) *Stairs and walking surfaces.* Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

(E) *Handrails and guards.* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. Every interior flight of stairs having more than four risers, and every open portion of a stair, landing or balcony, which is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm) no more than 42 inches (1067 mm) high,

measured vertically above the nosing of the tread or above the finished floor of the landing, walking surfaces or grade. Guards shall not be less than 30 inches (762 mm) high above the floor of the landing, balcony or grade.

(F) *Interior doors.* Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

§ 156.055 RUBBISH AND GARBAGE.

(A) *Accumulation of rubbish or garbage.* All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

(B) *Disposal of rubbish.* Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

(C) *Rubbish storage facilities.* The owner of every occupied premise shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

(D) *Disposal of garbage.* Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

(E) *Rubbish containers and garbage facilities.*

(1) *Multifamily properties containing nine or more units.* It shall be the duty of every owner of such property to provide bulk containers of sufficient volume for the frequency of collection and storage of garbage and household solid waste.

(2) *Multifamily properties containing eight or fewer units.* It shall be the duty of every owner of such property to provide a sufficient number of trash containers to meet the demand of each unit of a durable grade of galvanized metal or plastic from 20 to 40 gallons capacity for the collection and storage of garbage and household solid waste. The waste container shall be provided with two lifting handles on opposite sides and a tightly fitting cover with a lifting handle. The tenant shall be responsible for maintaining the trash container(s) supplied by the owner during their tenancy. The tenant shall also be responsible for placing their trash container(s) at the designated place and time for trash pick up. Refuse bags, provided by the occupants, made of paper or plastic used for collection must be placed inside waste containers for collection. Multifamily property owners of eight or fewer units who receive three citations in a six month period shall be required to provide a bulk container of sufficient volume for the frequency of collection and storage.

(3) *Single-family properties.* It shall be the duty of every single family property owner to provide a minimum of one trash container of a durable grade of galvanized metal or plastic from 20 to 40 gallons capacity for the collection and storage of garbage and household solid waste. The waste container shall be provided with two lifting handles on opposite sides and a tightly fitting cover with a lifting handle. Refuse bags made of paper or plastic used for collection must be placed inside waste containers for collection.

(4) *Closed containers required.* No household waste shall be placed out of doors awaiting pick-up in any container except in a closed container or facility with a tight fitting lid; and all wastecontainers and bulk containers shall be kept in a clean and sanitary condition.

§ 156.056 EXTERMINATION.

(A) *Infestation.* Every reasonable precaution available should be taken to keep all structures from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

(B) *Owner.* The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

(C) *Single occupant.* The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.

(D) *Multiple occupancy.* The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.

(E) *Occupant.* The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure except where the infestations are caused by defects in the structure, and then, the owner shall be responsible for extermination.

§ 156.057 PUBLIC NUISANCE.

(A) *Criminal activity as a public nuisance.*

(1) *Definitions.* For the purposes of this section, **PUBLIC NUISANCE** shall mean any premises or place where law enforcement officers have, on more than one occasion in the preceding 12-month period, criminally cited or arrested persons or executed court issued search warrants for violations of the law governing prostitution, controlled substances, alcohol or gambling.

(2) *Unlawful use of property.* No owner of residential, commercial or vacant property located in ~~the Louisville Metro Government~~ shall allow his/her property to be used as the site for any public nuisance after having received notice pursuant to this chapter that the property has been used for the commission of a public nuisance. A legal or equitable owner of such property is deemed to have knowledge of such activity upon receipt of the notice as set forth in this chapter.

(a) No person or owner shall destroy, remove or deface any order or notice posted by the Code Official.

(b) No person or owner shall disobey any order issued by the Code Official, or use or occupy or permit any other person to use or occupy any premises ordered closed by the Code Official.

(3) *Duty of Division of Police.* The Louisville/Jefferson County Police Department shall as soon as possible but not less than every 30 days after criminally citing or arresting persons or executing court issued search warrants for violations of the law governing prostitution,

controlled substances, alcohol or gambling notify the Code Official in writing of the specific violation investigated, the address of the property on or in which the violations occurred, and the circumstances of the violation.

(4) *Notice.* Whenever the Code Official receives information that a public nuisance exists in or upon residential, commercial or vacant property, he shall notify the owner that the property is a public nuisance and that the public nuisance must be abated. Such notice shall be provided as set forth in this chapter. Provided, however, that when notice is mailed, it shall be mailed by certified mail, return receipt requested.

(5) *Abatement.* Should the public nuisance not be abated at the time stated in the notice, or any extension granted by the hearing officer(s), the Code Official shall be authorized at any time thereafter to issue an order closing and vacating the premises to the extent necessary to abate the public nuisance. Such closing and vacating shall be for such period as the Code Official reasonably may direct, but in no event shall the closing and vacating be for a period of more than one year from the date of the closing. A closing and vacating ordered by the Code Official, pursuant to this subchapter is not an act of possession, ownership or control by the Metro Government. A close and vacate order of the Code Official will be rescinded within 14 days of an abatement unless such premises is the site of repeated close and vacate orders.

(a) If the premises consist of multi-unit dwellings or mixed uses and the public nuisance has occurred solely within a unit or units, the authority to close and vacate is restricted to the unit or units in which the public nuisance has occurred, and does not extend to any other unit in the premises.

(b) Upon the issuance of any order provided for in this section, a copy of the order shall be served on the owner of the property in the same manner as the notice provided for in this chapter, and a copy shall be conspicuously posted on the property.

(c) If any person or owner fails to comply with an order to close and vacate issued pursuant to this subsection, the Code Official may:

1. Discontinue the furnishing of utility service by Metro Government to the premises at which the nuisance exists;

2. Prohibit the furnishing of utility service, to include but not limited to gas, electric, water, and heating oil, to the premises by any public utility holding a franchise to use the streets and public ways of the Metro Government;

3. Revoke the certificate of occupancy of the premises; or

4. Use any other legal remedy available under the laws of the state.

(d) Pursuant to the provisions KRS 381.770, the Metro Government shall possess a lien against the property for all fines, penalties, charges and fees imposed and for the reasonable value of labor and materials used to abate the public nuisance. The lien shall be superior to and have priority over all other liens on the property except state, Metro Government, school board and Metro Government taxes, and may be enforced by judicial proceeding.

(6) *Eviction as a defense.*

(a) It shall be a defense to a violation of this section if the owner has instituted an eviction proceeding within 30 days against the offending tenant and all occupants of the

premises, and completes the eviction within 75 days of commencement or as soon thereafter as court procedures allow. In the event that judicial or quasi judicial proceedings prohibit an owner from proceeding with an eviction, abatement of the public nuisance by eviction will be stayed until the judicial or quasi-judicial proceeding is resolved.

(b) In the case of multi-unit dwellings, the only parties necessary to name in an eviction proceeding are the occupants of the actual unit involved with the activity suspected, or the occupants suspected of the activity described in the notice.

(7) *Relief from order.* The Code Official may vacate or suspend the provisions of an order to close and vacate upon a showing by clear and convincing evidence that the public nuisance has been abated and will not be maintained or permitted in any unit of the premises.

(8) *Abatement actions not in violation of law.* Actions taken by an owner to abate a public nuisance as defined in this section shall not be deemed to be violations of Fair Housing or Landlord-Tenant laws.

LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

§ 156.100 GENERALLY.

(A) *Scope.* The provisions of this chapter shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.

(B) *Responsibility.* The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as

owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this chapter.

(C) *Alternative devices.* In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the appropriate code listed in the Appendix.

§ 156.101 LIGHT.

(A) *Habitable spaces.* Every habitable space shall have at least one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8% of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than three feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room. (Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8% of the floor area of the interior room or space, not less than 25 square feet (2.33 m²). The exterior glazing area shall be based on the total floor area being served.)

(B) *Common halls and stairways.* Every common hall and stairway in residential occupancies, other than in one-and two- family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of

egress stairways shall be illuminated at all times the building space served by the means of egress is occupied with a minimum of one footcandle (11 lux) at floors, landings and treads.

(C) *Other spaces.* All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

§ 156.102 VENTILATION.

(A) *Habitable spaces.* Every habitable space shall have at least one openable window. The total openable area of the window in every room shall be equal to at least 45% of the minimum glazed area required in Section ~~402.4~~156.101(A). (Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8% of the floor area of the interior room or space, but not less than 25 square feet (2.33 (m²)). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

(B) *Bathrooms and toilet rooms.* Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by Section ~~403.4~~156.102(A), except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

(C) *Cooking facilities.* Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall

not be permitted to be present in a rooming unit or dormitory unit except where specifically approved in writing by the Code Official.

(D) *Process ventilation.* Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

(E) *Clothes dryer-exhaust.* Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions.

§ 156.103 OCCUPANCY LIMITATIONS.

(A) *Privacy.* Dwelling units, hotel units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

(B) *Minimum room widths.* A habitable room, other than a kitchen, shall not be less than seven feet (2134 mm) in any plan dimension. Kitchens shall have a clear passageway of not less than three feet (914 mm) between counterfronts and appliances or counterfronts and walls.

(C) *Minimum ceiling heights.* Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than seven feet (2134 mm) except for the following:

(1) In one- and two-family dwellings, beams or girders spaced not less than four feet (1219 mm) on center and projecting not more than six inches (152 mm) below the required ceiling height;

(2) Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than six feet eight inches (2033 mm) with not less than six feet four inches (1932 mm) of clear height under beams, girders, ducts and similar obstructions.

(3) Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least seven feet (2134 mm) over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of five feet (1524 mm) or more shall be included.

(D) *Bedroom requirements.* Every bedroom shall comply with the following requirements:

(1) *Area for sleeping.* Every bedroom occupied by one person shall contain at least 70 square feet (6.5 mm) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 mm) of floor area for each occupant thereof.

(2) *Access from bedrooms.* Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not-serve as the only means of egress from other habitable spaces except in units that contain fewer than two bedrooms.

(3) *Water closet accessibility.* Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

(4) *Prohibited occupancy.* No person shall use any kitchen, nonhabitable or public space for sleeping purposes, nor shall food be prepared or cooked in any room used for sleeping purposes, except in an efficiency apartment. In an efficiency apartment, that portion of the room designated for sleeping purposes shall not be within ten feet of that portion of the room designated for cooking purposes. The ten feet shall be calculated as the shortest straight line distance between the sleeping area and the stove. The ten feet requirement shall not be a violation when the ten feet distance is separated by a permanent divider wall of a height of at least 50% of the height of the room.

(5) *Other requirements.* Bedrooms shall comply with the applicable provisions of this chapter including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this section, the plumbing facilities and water-heating facilities requirements of this chapter; the heating facilities and electrical receptacle requirements of this chapter; and the smoke detector and emergency escape requirements of this chapter.

(E) *Overcrowding.* Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 43.

TABLE 43

<i>Space</i>			
	1-2 occupants	3-5 occupants	6 or more occupants
Living room ^{a,b}	No requirements	120	150
Dining room ^{a,b}	No requirements	80	100
Kitchen ^b	50	50	60
For SI: one square foot = 0.093 m ² ^{a.} See subsection (E)(2) for combined living room/dining room spaces. ^{b.} See subsection (E)(1) for limitations on determining the minimum occupancy area for sleeping purposes.			

(1) *Sleeping area.* The minimum occupancy area required by Table 43 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with subsection (D).

(2) *Combined spaces.* Combined living room and dining room spaces shall comply with the requirements of Table 43 if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

(F) *Efficiency unit.* Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

(1) A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet (20.4 m²). A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet (29.7 m²). These required areas shall be exclusive of the areas required by Items 2 and 3.

(2) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided. .

(a) The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.

(b) The maximum number of occupants shall be three.

(G) *Food preparation.* All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner.

There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

§ 156.150 GENERALLY.

(A) *Scope.* The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

(B) *Responsibility.* The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises, which does not comply with the requirements of this chapter.

§ 156.151 REQUIRED FACILITIES.

(A) *Dwelling units.* Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

(B) *Rooming houses.* At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

(C) *Hotels.* Where private water closets, lavatories, and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

§ 156.152 TOILET ROOMS.

(A) *Privacy.* Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

(B) *Location.* Toilet rooms and bathrooms serving hotel units, rooming units or dormitory units, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

§ 156.153 PLUMBING SYSTEMS AND FIXTURES.

(A) *General.* All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

(B) *Plumbing system hazards.* Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the Code Official shall require the defects to be corrected to eliminate the hazard.

§ 156.154 WATER SYSTEM.

(A) *General.* Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Kentucky Plumbing Code.

(B) *Contamination.* The water supply shall be maintained free from contamination in an approved manner as identified by the Louisville Metro Health Department ~~Jefferson County Department of Health~~, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets, and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

(C) *Supply.* The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

(D) *Water heating facilities.* Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 120° F. (49° C.). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved

combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

§ 156.155 SANITARY DRAINAGE SYSTEM.

(A) *General.* Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing facility shall be properly connected to either the public sewer system or to an approved private sewage disposal system which shall meet the requirements of the Louisville Metro Health Department~~Jefferson County Department of Health~~.

(B) *Maintenance.* Every plumbing stack, waste and sewer line shall be so installed and maintained as to function properly and shall be kept free from obstructions, leaks and defects to prevent structural deterioration or health hazards. All repairs and installations shall be made in accordance with the provisions of the Kentucky Building Code and the Kentucky Residential Code. Repairs to on-site sewage systems must be permitted and approved by the Louisville Metro Health Department~~Jefferson County Department of Health~~.

§ 156.156 STORM DRAINAGE.

Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

MECHANICAL AND ELECTRICAL REQUIREMENTS

§ 156.180 GENERALLY.

(A) *Scope.* The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

(B) *Responsibility.* The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises, which does not comply with the requirements of this chapter.

§ 156.181 HEATING FACILITIES.

(A) *Facilities required.* Heating facilities shall be provided in structures as required by this section.

(B) *Residential occupancies.* Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 65° F. (18° C.) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

(C) *Heat supply.* Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 1 to May 1 to maintain a temperature of not less than 65° F. (18° C.) in all habitable rooms, bathrooms, and toilet rooms except in circumstances when the exterior temperature falls below 0° F. (-18° C.) and the heating system is operating at its full capacity, a minimum room temperature of 60° F. (16° C.) shall be maintained at all times.

(D) *Room temperature measurement.* The required room temperatures shall be measured three feet (914 mm) above the floor near the center of the room and two feet (610 mm) inward from the center of each exterior wall.

§ 156.182 MECHANICAL EQUIPMENT.

(A) *Mechanical appliances.* All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

(B) *Removal of combustion products.* All fuel-burning equipment and appliances shall be connected to an approved chimney or vent except that fuel-burning equipment and those appliances, which are labeled for unvented operation.

(C) *Clearances.* All required clearances to combustible materials shall be maintained.

(D) *Safety controls.* All safety controls for fuel-burning equipment shall be maintained in effective operation.

(E) *Combustion air.* A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

(F) *Energy conservation devices.* Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or

vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

§ 156.183 ELECTRICAL FACILITIES.

(A) *Facilities required.* Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and § 156.184.

(B) *Service.* The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the ICC Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt, single- phase electrical service having a rating of not less than 60 amperes.

(C) *Electrical system hazards.* Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper/inadequate over-current protection, insufficient receptacle and lighting outlets, improper or unsafe-wiring or installation, makeshift wiring or improper/inappropriate use of electrical extension cords, deterioration or damage, or for similar reasons, the Code Official shall require the defects to be corrected to eliminate the hazard.

§ 156.184 ELECTRICAL EQUIPMENT.

(A) *Installation.* All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

(B) *Receptacles.* Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle

or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new or replaced bathroom. receptacle outlet shall have ground fault circuit interrupter protection.

(C) *Lighting fixtures.* Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric lighting fixture.

§ 156.185 DUCT SYSTEMS.

Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

FIRE SAFETY REQUIREMENTS

§ 156.200 GENERALLY.

(A) *Scope.* The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

(B) *Responsibility.* The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this chapter.

(C) *Flammable matter.* Highly flammable or explosive matter, such as paints, volatile oils and cleaning fluids, or combustible refuse, such as waste paper, boxes and rags, shall not be accumulated or stored on residential premises except in reasonable quantities consistent with

normal usage. Highly flammable or explosive matter and combustible refuse, in reasonable quantities, shall be properly stored in containers and in such manner so as not to come in contact with or be adversely affected by mechanical equipment or heat-producing appliances or fixtures.

§ 156.201 MEANS OF EGRESS.

(A) *General.* A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way.

(B) *Dual egress.* Every residential building exceeding two stories in height above ground, not including basements, shall be provided with not less than two approved independent exits from each floor above the second floor, fully accessible to each occupant on the floor. This section shall not apply to one and two-family dwellings.

(C) *Locked doors.* All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Kentucky Building Code or the Kentucky Residential Code.

(D) *Emergency escape openings.* Required emergency escape and rescue openings shall be operational ~~from~~from the inside of the room without the use of keys or tools. Bars, grilles, grates, or similar devices are permitted to be placed over emergency escape and rescue openings provided voided the minimum net clear opening size complies with the Kentucky Building Code or the Kentucky Residential Code and such devices shall be releasable or removable from the inside without the use of a key, tool, or force greater than that which is required for normal operation of the escape and rescue opening. Where such bars, grilles, grates, or similar devices

are installed in existing buildings, smoke detectors shall be installed in accordance with § 156.203.

(E) *Accumulations and storage.* Waste, refuse, or other materials shall not be allowed to accumulate in stairways, passageways, doors, windows, fire escapes, or other means of egress.

§ 156.202 FIRE-RESISTANCE RATINGS.

(A) *Fire-resistance-rated assemblies.* The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

(B) *Opening protectives.* Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

§ 156.203 FIRE PROTECTION SYSTEMS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHIEF. Any person appointed or empowered in accordance with KRS Chapters 227, 75, 95 or 67C.105 to carry out the expressed or implied statutory authority granted under the specific chapter for which their authority is derived within their fire department or fire district.

CODE OFFICIAL. The official who is charged with the administration and enforcement of the Property Maintenance Code established by Chapter 156 of the Louisville/Jefferson County Metro Government Code of Ordinances, or any duly authorized representative.

DWELLING. Any building which contains one or more dwelling units or any rooming units, rooms, or area designated or used for sleeping purposes either as a primary use or use on casual occasions. This term shall include single-family dwellings, duplexes, rooming houses, hotels, motels, tourist homes, school dormitories, apartment and/or condominium buildings.

DWELLING UNIT. Any group of rooms located within a building and forming a single housekeeping unit with facilities, which are used or designed to be used for living, sleeping, cooking, or eating.

OWNER. Any person who alone, jointly, or severally with others:

(1) Shall have all or part of the legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof, or shall have all or part of the beneficial ownership of any dwelling or dwelling unit and a right to present use and enjoyment thereof, including a mortgage in possession; or

(2) Shall have charge, care, or control of any dwelling or dwelling unit as owner, or as executor, administrator, trustee, guardian of the estate, or duly authorized agent of the owner. Any such person thus representing the actual owner shall be bound to comply with the owner's obligations under this section.

ROOMING UNIT. Any room, which is designed or used for sleeping purposes. This term may include a room in a rooming house, a hotel, a motel, a tourist home, a school dormitory, or an apartment building, which may or may not have some additional facilities for eating or cooking contained therein.

(B) *Smoke detectors required; type and placement.*

(1) In all dwelling units, smoke detectors powered by a hard wire AC primary power source or a self-monitored, non-removal ten-year lithium battery shall be installed and maintained after the effective date of this section. Single station detectors presently installed utilizing standard batteries may continue to be used as long as the units remain operational. Should an inspection of the concerned properties reveal these units out of service due to a low or no battery, it will be cause to replace the units with at least smoke detectors powered by a hard wire AC primary power source or a self-monitored, non-removal ten-year lithium battery.

(2) In order to comply with this section, only ionization or photoelectric type detectors listed by a nationally recognized testing laboratory shall be installed.

(3) Smoke detectors shall be installed in accordance with applicable NFPA Standards and the manufacturers recommendations. Detectors may be ceiling or wall mounted, provided that they shall be mounted at a minimum of four inches and a maximum of 12 inches from the ceiling, and not closer than four inches from the point at which the ceiling and wall meet.

(4) In a dwelling unit, which contains a well-defined sleeping room separated from the other activity areas of the same unit, the detector shall be located in the corridor within the unit or interior area giving access to the rooms used for sleeping purposes. Where sleeping areas are separated and/or where a single smoke detector will not adequately service all sleeping areas, there shall be a smoke detector installed adjacent to each sleeping area. In a rooming unit the detector shall be centrally located.

(5) In a dwelling containing two or more dwelling units or any rooming unit, in addition to the requirements for individual smoke detectors in each dwelling unit or rooming unit,

detectors shall be placed in centrally located common areas so that smoke detectors will adequately service all sleeping areas.

(C) *Installation and maintenance.*

(1) The owner of a dwelling shall be responsible for supplying and installing in an operable condition, the required detectors and for providing the manufacturer's maintenance and testing instructions to the tenant.

(2) The owner of a dwelling shall be responsible for maintenance and testing of detectors, in accordance with manufacturer's instructions, which are located in common areas and/or detectors in rooming units where the tenant usually has periods of occupancy, (less than 30 continuous days, such as, hotels, motels, tourist homes).

(3) The tenant shall be responsible for maintaining and testing the detectors, in accordance with the manufacturer' instructions, which are within his or her exclusive control during the life of the tenancy. The tenant shall be responsible for notifying the owner in writing when detectors become inoperable, and the owner shall have ten days after receipt of such written notice in which to replace or repair the detectors in an operable condition. In the existing single station, battery-operated types of detectors, battery replacement will not be allowed. In the event existing detectors with standard batteries are found inoperable, the units shall be replaced with at least smoke detectors powered by a hardwire AC primary power source or a self-monitored, non-removal ten-year lithium battery.

(4) At every change of tenancy in all multi-family residential units and dormitories, it shall be the duty of the owner to test and ascertain that those detectors contained in the unit are in

operable condition, and if not, the owner shall be responsible for placing them in operable condition. Further, in the event existing detectors with standard batteries are found inoperable, the owner shall be responsible for replacing such detectors with at least smoke detectors powered by a hardwire AC primary power source or a self-monitored, non-removal ten-year lithium battery.

(5) In all hotels, motels, rooming houses or tourist homes it shall be the duty of the owner to test such detectors on a regular basis in accordance with manufacturer's instructions, and the owner shall be responsible for maintaining such units in an operable condition. A log of smoke detector inspections and findings shall be maintained by the owner, and shall be made available to fire inspectors upon request.

(6) It shall be the responsibility of the property owner to install at least smoke detectors powered by a hardwire AC primary power source or a self-monitored, non-removal ten year lithium battery before transfer of the property to a new party. A signed affidavit of the property owner, given to purchaser, seller, and real estate agent before transfer will suffice in meeting this requirement.

(7) Where AC powered detectors have been installed and maintained in accordance with previous ordinances, they shall continue to be used in accordance with the manufacturers installation and maintenance guidelines. Such smoke detectors that are found to be non-operational, damaged, or missing shall be replaced with a hard wire AC powered smoke detector of similar or like-type.

(D) *Enforcement.*

(1) The Chief of the Fire Department, Fire District, or Code Official or any of their designated representatives, are hereby authorized and directed to enforce all provisions of this section and the final determination concerning compliance herewith shall be the sole discretion of the Authority Having Jurisdiction (AHJ), as described in 815 KAR 10:060, of the Fire Department, or the Fire District, or Code Official. Upon the presentation of official credentials, an authorized inspector of the Fire Department, Fire District or Code Official, may enter with consent any premises covered by these regulations to perform the duties imposed upon him or her by these regulations.

(2) The source of authority to issue orders as described in subsection (A) shall include, but not be limited to, any authority granted under KRS Ch. 227 and 815 KAR 10:060.

ADMINISTRATION AND ENFORCEMENT

§ 156.800 DEPARTMENT OF PROPERTY MAINTENANCE.

(A) *General.* The Department of Property Maintenance Inspection is hereby created and the executive official in charge thereof shall be known as the Code Official.

(B) *Appointment.* The Code Official shall be appointed by the chief appointing authority of the jurisdiction; and the Code Official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority.

(C) *Deputies.* In accordance with the prescribed procedure of this jurisdiction and with the concurrence of the appointing authority, the Code Official shall have the authority to appoint a Deputy Code Official, other related technical offices, inspectors and other employees.

(D) *Restriction of employees.* An official or employee connected with the enforcement of this chapter, except one whose only connection is that of a member of the ~~Board of Appeals,~~ established under the provisions of ~~§ 156.802,~~ or the Code Enforcement Board, as set forth in §§ 32.275 et seq., ~~as the case may be,~~ shall not be engaged in, or directly connected with, the furnishing of labor, materials or appliances for the construction, alteration, or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

§ 156.801 CODE OFFICIAL; DUTIES AND POWERS.

(A) *General.* The Code Official shall enforce the provisions of this chapter.

(B) *Rule-making authority.* The Code Official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and procedures; to interpret and implement the provisions of this chapter; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this chapter, or of violating accepted engineering methods involving public safety.

(C) *Inspections.* The Code Official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Code Official is authorized to engage such expert opinion as deemed

necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

(D) *Right of entry.* The Code Official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Code Official is authorized to pursue recourse as provided by law.

(E) *Identification.* The Code Official shall carry proper identification when inspecting structures or premises in the performance of duties under this chapter.

(F) *Citations, notices and orders.* The Code Official shall issue all necessary citations, notices or orders to ensure compliance with this chapter.

(G) *Department records.* An official record shall be kept of all business and activities of the department specified in the provisions of this chapter; and all such records shall be open to public inspection in accordance with the Kentucky Open Records Act, and under reasonable regulations established by the Code Official to maintain the integrity and security of such records.

(H) *Coordination of inspections.* Whenever in the enforcement of this chapter or another code or ordinance, the responsibility of more than one Code Official of the jurisdiction is involved, it shall be the duty of the Code Official involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation

of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the Code Official having jurisdiction.

~~§ 156.802 BOARD OF APPEALS.~~

~~—(A)—~~ *Membership of Board.* The Board of Appeals shall consist of one or more members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the Metro Government. The Code Official shall be an ex officio member but shall have no vote on any matter before the Board. The initial Board shall be appointed by the Mayor and shall serve for a term of three years.

~~—(B)—~~ *Alternate members.* The chief appointing authority shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.

~~—(C)—~~ *Chairperson.* The Board shall annually select one of its members to serve as chairperson.

~~—(D)—~~ *Disqualification of member.* A member shall not hear an appeal in which that member has a personal, professional or financial interest.

~~—(E)—~~ *Secretary.* The Code Official shall designate a qualified person to serve as Secretary to the Board. The Secretary shall file a detailed record of all proceedings in the office of the Code Official.

~~—(F)—~~ *Compensation of members.* Compensation of members shall be determined by law.

~~—(G) *Notice of meeting.* The Board shall meet upon notice from the chairman, within a reasonable period of time of an appeal, or at stated periodic meetings.~~

~~—(H) *Effective date.* The Board of Appeals referred to in this section shall only hear those appeals pertaining to notices, citation and/or orders written within 30 days after the effective date of this section. Any appeal taken from any notice, citation or order written pursuant to this chapter after 30 days from the effective date of this section shall be heard by the Code Enforcement Board in accordance with §§ 32.275 et seq.~~

§ 156.803 COMPLIANCE WITH CODE; APPROVAL.

(A) *Modifications.* Whenever there are practical difficulties involved in carrying out the provisions of this chapter, the Code Official shall have the authority to grant modifications for individual cases, provided the Code Official shall first find that special individual reason makes the strict letter of this chapter impractical and the modification is in compliance with the intent and purpose of this chapter and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

(B) *Alternative materials, methods and equipment.* The provisions of this chapter are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this chapter, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the Code Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this chapter; and that the material, method or work offered is, for the purpose intended, at least the

equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

(C) *Required testing.* Whenever there is insufficient evidence of compliance with the provisions of this chapter, or evidence that a material or method does not conform to the requirements of this chapter, or in order to substantiate claims for alternative materials or methods, the Code Official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.

(D) *Test methods.* Test methods shall be as specified in this chapter or by other recognized test standards. In the absence of recognized and accepted test methods, the Code Official shall approve the testing procedures.

(1) All tests shall be performed by an approved agency.

(2) Reports of tests shall be retained by the Code Official for the period required for retention of public records.

(E) *Material and equipment reuse.* Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition.

§ 156.804 NOTICES; ORDERS.

(A) *Citation to owner or to person or persons responsible.* Except as otherwise provided in subsection (C) hereof, whenever the Code Official, based upon personal observation of investigation, has reasonable cause to believe that a person has committed a violation of this

code, the Code Official is authorized to issue a citation to the offender in accordance with § 32.283.

(B) *Form of citation.* The citation shall contain the information as set forth in § 32.283(D).

(C) *Notice to owner or to person or persons responsible.* Whenever the Code Official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, in lieu of issuing a citation as set forth in subsection (A) hereof, notice may be given to the owner or person or persons responsible therefore in the manner prescribed in subsections (D) and (E) hereof. If the person to whom the notice is given fails or refuses to remedy the violation within the time specified in such notice, then the Code Official is authorized to issue a citation in accordance with subsection (A) hereof. Notices for condemnation procedures shall also comply with subsections (D) and (E) hereof.

(D) *Form.* Such notice prescribed in subsection (C) shall be in accordance with all of the following:

- (1) Be in writing;
- (2) Include the address of the subject property or a description of the real estate sufficient for identification;
- (3) Include a statement of the violation or violations and why the notice is being issued;
- (4) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this chapter;

(5) Inform the property owner of the right to appeal;

(6) Include a statement that a determination of violation shall be final unless appealed in accordance with this chapter; and

(7) Include a statement of penalties provided for the violation(s).

(E) *Service.* Such citation or notice prescribed in subsection (A) or (C), respectively, shall be properly served on the owner or his or her agent or the occupant when responsible for the violation, as the case may require. When occupant is served, the owner will be notified. A citation or notice is properly served if it is served personally, or if a copy is sent by certified mail or first-class mail to the last known address as recorded by the Jefferson County Property Valuation Administration, or if service is perfected in any other manner authorized under the laws of this Commonwealth. However, if the whereabouts of such person is unknown and cannot be ascertained by the Code Official or Code Official's authorized representative in the exercise of reasonable diligence, the citation or notice is properly served if copies of the citation or notice are posted in a conspicuous place on the premises affected.

(F) *Violation penalties.* Penalties for noncompliance with citations, orders and notices shall be as set forth in § 156.999.

(G) *Transfer of ownership.* It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with or until such owner shall first furnish the grantee, transferee, or mortgagee a true copy of

any compliance order or notice of violation issued by the Code Official and shall furnish to the Code Official a signed and notarized statement from the grantee, transferee, or mortgagee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. In lieu of the above, the owner/seller, prior to sale, transfer, mortgage, contract for deed or other disposal of the affected property, may post a bond with the Metro Government for an amount of 150% of the costs to abate all known violations. (The "costs of repair" shall be agreed upon by the Code Official and the owner/seller, prior to the posting of the bond.) Upon abatement of all violations, the bond will be released.

(H) *Identification of responsible local agent.* Unless there is an on-site management office or a notice posted in conspicuous places on site (available to all tenants) providing the name and telephone number of a 24 hours/7 days a week maintenance and emergency repair service company, the owner must supply the lessee in writing the name, address, and phone number of an individual that is responsible for the maintenance of the property in accordance with the code. The owner must keep the lessee informed of any change of this information to insure it is always current.

§ 156.805 UNSAFE STRUCTURES AND EQUIPMENT; CONDEMNATION AND CLOSING OF.

(A) *Condemnation.* When a structure or part thereof is found by the Code Official to be unsafe, or when a structure or part thereof is found unfit for human occupancy or use, or is found unlawful, it shall be condemned pursuant to the provisions of this chapter and shall be placarded and vacated. If condition only involves one dwelling unit in structure; only that unit will be

affected. It shall not be reoccupied without approval of the Code Official. Unsafe equipment which is determined by the Code Official to be repairable shall be placarded and immediately placed out of service. Illegal, unapproved or defective equipment which, is determined by the Code Official to be irreparable, shall be immediately confiscated and/or destroyed.

(1) *Unsafe structure.* An unsafe premises is one in which all or part thereof is found to be dangerous to life, health, property, or the safety of the public or its occupants by not providing minimum safeguards for protection from fire or because it contains unsafe equipment or its is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that partial or complete collapse is possible, or because of the existence of a public nuisance, as defined herein.

(2) *Unsafe equipment.* Unsafe equipment includes any boiler, heating equipment, cooking equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in disrepair or condition that is a hazard to life, health, property or safety of the public or occupants of the premises or structure, or is not approved for use by the Code Official.

(3) *Structure unfit for human occupancy.* A structure is unfit for human occupancy or use whenever the Code Official finds that it is unsafe, unlawful, or because of the degree in which it lacks maintenance or is in disrepair, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this chapter, or because its location constitutes a hazard to its occupants or to the public.

(4) *Unlawful structure.* An unlawful structure is one found in whole or in part to be occupied by more persons than, permitted under this chapter, or was erected, altered or occupied contrary to law.

(B) *Closing of vacant structures.* If the structure or part thereof is vacant and open to unauthorized entry, the Code Official shall issue a notice to remedy the violation by instructing the owner of such premises to cover or secure each door, window or other opening that is located within ten feet of grade or accessible from grade by stairs or roofs within ten feet of grade. If condition only involves one dwelling unit in a structure, only that unit will be affected. Upon failure of the owner to remedy the violation in accordance with the notice, the Code Official shall issue a citation.

(1) On a recommendation in writing from the appropriate Fire Districts, Louisville/Jefferson County Police Department or Health Department that an emergency exists, the Code Official may board a structure without prior notice to the owner. An "emergency" exists for purposes herein when the boarding of the structure is necessary to protect and preserve the health, safety, or property of the owner, tenants, or the public. In addition, the Code Official, on his or her own motion may board a structure without prior notice to the owner when the structure has been ordered vacated pursuant to this chapter to protect and preserve the health, safety or property of the owner, tenants, or the public, or after service of a warrant executed pursuant to this chapter. The Code Official shall provide written notice to the owner and tenants of the structure of the execution of an order to board as soon as possible.

(2) The Code Official may cause the utility service to be discontinued from a structure after it has been unoccupied for a period of six months and does not meet the vacant building

maintenance standards and is not in the process of being rehabilitated as indicated by a valid building permit.

(C) *Notice.* Whenever the Code Official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with this § 156.804. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in § 156.804.

(D) *Placarding.* Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Code Official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

(E) *Placard removal.* The Code Official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the Code Official shall be subject to the penalties provided by this chapter.

(F) *Prohibited use.* Any person who shall occupy a placarded premises or structure or part thereof, or shall use placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises shall be liable for the penalties provided by this chapter.

§ 156.806 EMERGENCY MEASURES.

(A) *Imminent danger.* When, in the opinion of the Code Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment or service, the Code Official may, without notice or hearing, order that such action be taken, including, but not limited to: repair of or immediate evacuation of any effected dwelling or dwelling unit, repair, replacement or immediate confiscation and/or destruction of any defective, illegal or unapproved equipment, as may be reasonably necessary to meet the emergency; confiscation of any refrigerator, ice-box, ice-chest or other similar device or appliance determined to be a public nuisance; demolition or partial demolition of any structure that is in imminent danger of failure, collapse, endangering life or is unable to be secured in accordance to § 156.805.

(B) (1) Notwithstanding any other provision of this chapter, such an order shall be effective immediately. If the owner fails to correct the emergency, and fails to immediately comply with the order, the Code Official may, without further notice to the owner, cause the emergency to be corrected by repair, replacement, or removal, confiscation, immediate evacuation, discontinuance of utilities, or demolition.

(2) After the repairs are made, or the removal of the defective, illegal or unapproved equipment has been effected, or the confiscation of the refrigerator, ice-box, ice-chest, or other similar device or appliance determined to be a public nuisance has been effected, the owner shall be afforded a hearing thereon, if requested, as soon as possible.

(3) The amount of the costs of any repairs, replacement, or removal, confiscation, immediate evacuation, discontinuance of utilities, or demolition carried out by the Metro Government pursuant to this section, including all costs for labor, materials, travel and filing, and administrative costs of 15% of the above, shall be charged against the owner of the real estate upon which the premises is located.

(4) Upon failure of the owner to effect payment of such costs, a lien to bear interest at the rate of 18% per annum, from the date of such lien until paid, shall be placed by the Metro Government against the real estate upon which the structure is located. In addition to the aforesaid remedy or any other remedy authorized by law, pursuant to KRS 381.770(6), the owner of the property upon which a lien has been attached pursuant to this section shall be personally liable for the amount of the lien, including all interest, civil penalties and other charges and the Metro Government may bring a civil action against the owner and shall have the same remedies as provided for the recovery of a debt owed.

(5) Any person to whom such order is directed shall comply therewith. Such person shall thereafter, upon petition directed to the Code Official or Code Official's authorized representative, his designee, be afforded a hearing as prescribed in this chapter.

§ 156.807 DEMOLITION.

(A) *General.* The Code Official shall order the owner of premises upon which is located any structure or part thereof, which in the Code Official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and to demolish and remove such structure or part thereof; or if such structure or part thereof is capable of being made safe by repairs, to repair and make safe and

sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to raze and remove such structure or part thereof.

(B) *Order.* The order shall specify necessary repairs, if any, and a time in which the owner shall comply therewith. It shall be served on the owner of record and upon the holder of any encumbrance of record in accordance to § 156.804. If the owner or a holder of an encumbrance of record cannot be found, the order shall be served by posting it on the main entrance of the building.

(C) *Restraining actions.* Anyone affected by such order may, after service of such order apply to Jefferson County Circuit Court for an order restraining the Code Official from razing such structure or parts thereof. The court shall determine whether the order of the Code Official is reasonable, and if found reasonable, the court shall dissolve the restraining order, and if found not reasonable, the court shall continue the restraining order or modify it as the circumstances may require.

(D) *Failure to comply.* Whenever the owner of a property fails to comply with a demolition order within the time prescribed, the Code Official shall cause the structure or part thereof to be razed and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged against the owner of the real estate upon which the structure is located. Upon failure of the owner to effect payment of such costs, a lien to bear interest at the rate of 18% per annum, from the date of such lien until paid, shall be placed by the Metro Government against the real estate upon which the razed or removed structure was located. In addition to the aforesaid remedy or any other remedy

authorized by law, pursuant to KRS 381.770(6), the owner shall be personally liable for the amount of the lien, including all interest, civil penalties and other charges and the Metro Government may bring a civil action against the owner and shall have the same remedies as provided for the recovery of a debt owed.

§ 156.808 APPEALS; PROCEDURE.

(A) *Application for appeal.* Any person directly affected by a decision of the Code Official or a notice or order issued under this code shall have the right to appeal to the Code Enforcement Board of Appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this chapter or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this chapter do not fully apply, or the requirements of this chapter are adequately satisfied by other means, or that the strict application of any requirement of this chapter would cause an undue hardship.

(B) *Failure to appeal.* The notice of violation shall represent a determination that the violation has been committed, and that determination shall be final unless an appeal is taken.

(C) *Open hearing.* All hearings before the Board shall be open to the public. The appellant, the appellant's representative, the Code Official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership.

(D) *Procedure.* The Board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require

compliance with strict rules of evidence, but shall mandate that only relevant information be received.

(E) *Postponed hearing.* When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

(F) *Board decision.* The Board shall modify or reverse the decision of the Code Official only by a concurring vote of a majority of the total number of appointed board members.

(1) *Records and copies.* The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the Code Official.

(2) *Administration.* The Code Official shall take immediate action in accordance with the decision of the Board.

(G) *Court review.* Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court to appeal any errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision.

(H) *Stays of enforcement.* Appeals of notice and orders (other than imminent danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the Appeals Code Enforcement Board.

(I) ~~*Effective date.* All appeals of notices, citations and orders written or issued within 30 days of the effective date of this subchapter shall continue to be heard by the Code Enforcement Board of Appeals in accordance with subsections (A) through (H) of this section. All appeals of~~

~~notices, citations, and order written or issued 30 days after the effective date of this subchapter~~
shall be heard by the Code Enforcement Board in accordance with the hearing procedures set forth in §§ 32.275 et seq.

§ 156.809 LIMITED LIABILITY.

(A) The Code Official, officer or employee charged with the enforcement of this chapter, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

(B) Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this chapter shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The Code Official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this chapter; and any officer of the department of property maintenance inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

§ 156.997 SEVERABILITY.

If any provision of this chapter as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

§ 156.998 VIOLATIONS; REMEDIES.

(A) *Unlawful acts.* It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, use or occupy any structure or equipment regulated by this chapter, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this chapter or be in conflict with or in violation of any of the provisions of this chapter.

(B) *Citation; notice of violation.* The Code Official shall serve a citation, notice of violation or order in accordance with § 156.804.

(C) *Prosecution of violation.* Any person failing to comply with a notice of violation or order served in accordance with § 156.804, as determined by a site reinspection performed by the Code Official or his or her designee, shall be cited in accordance with § 156.804 in order and the violation shall be deemed a strict liability offense to exact the penalty provided in § 156.804(F).

(D) *Other remedies.*

(1) The Metro Government shall possess a lien for all fines assessed for the violation of this chapter and for all charges and fees incurred by the Metro Government in connection with the enforcement of this chapter in accordance with § 32.288.

(2) In addition to the remedy prescribed in subsection (D)(1), above, the person found to have committed the violation of this chapter shall be personally responsible for the amount of all fines assessed for the violation and for all charges and fees incurred by Metro Government in connection with the enforcement of this chapter. Metro Government may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt in accordance with § 32.288.

(E) *Abatement of violation.* The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct of business or utilization of the building, structure or premises.

§ 156.999 PENALTY.

(A) Any person, firm or corporation who shall violate § 156.057(A)(2) shall be subject to a civil penalty in accordance with the penalty schedule as set forth in Appendix A, Exhibit A. Any person cited pursuant to this subsection may pay the minimum civil penalty within seven days from the date of issuance or request a hearing such penalty to the Code Enforcement Board ("Board") in accordance with §§ 32.275 et seq. If the person fails to respond to the citation within seven days as referenced above, the person shall be deemed to have waived the right to a hearing. In this event, the Board shall enter a final order determining that the violation was committed and impose the maximum civil penalty set forth in the citation. Each day that a violation continues after a citation has been issued or notice has been served shall be deemed a separate offense.

(B) Any person, firm or corporation who shall violate § 156.057(A)(2)(a) or (b) shall be subject to a civil penalty in accordance with the penalty schedule as set forth in Appendix A, Exhibit B. Any person cited pursuant to this subsection (B) may pay the minimum civil penalty within seven days from the date of issuance or request a hearing regarding such penalty to the Board in accordance with §§ 32.275 et seq. If the person fails to respond to the citation within seven days as referenced above, the person shall be deemed to have waived the right to a hearing. In this event, the Board shall enter a final order determining that the violation was

committed and impose the maximum civil penalty set forth in the citation. Each day that a violation continues after a citation has been issued shall be deemed a separate offense.

(C) (1) Any person, firm or corporation violating any of the provisions of § 156.203, or neglecting to comply with any order issued pursuant to § 156.203, shall be guilty of a misdemeanor and shall be fined not less than \$25 nor more than \$1,000, or be imprisoned for not more than 60 days, or both. Each day's violation shall constitute a separate offense

(2) Any person, firm or corporation, who shall violate any provision of § 156.203 shall be subject to a civil penalty of not less than \$100 nor more than \$1,000. Each day that a violation continues after a citation has been issued or notice has been served shall be deemed a separate offense.

(D) Any person, firm or corporation, who shall violate any provision of this chapter other than as set forth in subsections (A), (B) and (C), above, shall be subject to a civil penalty in accordance with the penalty schedule as set forth in Appendix A, Exhibit C. Any person cited pursuant to this subsection (D) may pay the minimum civil penalty within seven days from the date of issuance or request a hearing regarding such penalty to the Board in accordance with §§ 32.275 et seq. If the person fails to respond to the citation within seven days as referenced above, the person shall be deemed to have waived the right to a hearing. In this event, the Board shall enter a final order determining that the violation was committed and impose the maximum civil penalty set forth in the citation. Each day that a violation continues after a citation has been issued or notice has been served shall be deemed a separate offense.

(E) The Metro Government shall possess a lien on property for all fines, penalties, charges and fees imposed pursuant to this chapter in accordance with § 156.998(D)(1). The lien shall be

superior to and have priority over all other subsequent liens on the property except state, School Board and Metro Government taxes.

(F) Notwithstanding subsection (C) above, any person, firm or corporation who violates any provision of this chapter shall be subject to criminal proceedings and upon conviction thereof shall be subject to a fine of not more than \$250 if committed by a person, not more than \$500 if committed by a corporation, or imprisonment for a term not to exceed 50 days, or both. Each day that a violation continues after a citation has been issued or notice has been served shall be deemed a separate offense.

APPENDIX A: CIVIL PENALTIES

EXHIBIT A PUBLIC NUISANCE VIOLATION

		<i>Number of Citations, Arrests and Search Warrants within 12-month period</i>			
		1	2	3	4
		AMOUNT OF CIVIL PENALTY			
Code Section		(Arrests, Citations, Search Warrants)			
156.057(A)(2)	No Contest	NN	NV	\$400	\$4,000 and Order to Vacate
	Contested	-	-	\$500	\$5,000 and Order to Vacate

NN = No Notice Sent

NV = Notice of Violation Sent

EXHIBIT B

		<i>Number of Times Section(s) Violated while Property is a Public Nuisance within 12-month period</i>		
		1	2	3
		AMOUNT OF CIVIL PENALTY		
Code Section		(Destroy, Remove, Deface or Disobey Order Notice)		
156.057(A)(2)(a) and/or (b)	No Contest	\$250	\$300	\$400
	Contested	\$350	\$400	\$500

EXHIBIT C

CIVIL PENALTY SCHEDULE

		Number of Inspections During the Period of Time in which the Property Contains Uncorrected Violations					
		1	2	3	4	5	6+
		Amount of Civil Penalty - Not Contested*					
Number of Uncorrected Violations	1	\$100**	\$200**	\$300**	\$400**	\$500**	\$600**
	2	\$200**	\$300**	\$400**	\$500**	\$600**	\$700**
	3	\$300**	\$400**	\$500**	\$600**	\$700**	\$800**
	4	\$400**	\$500**	\$600**	\$700**	\$800**	\$900**
	5	\$500**	\$600**	\$700**	\$800**	\$900**	\$1,000**
	6	\$600**	\$700**	\$800**	\$900**	\$1,000**	\$1,100**
	7	\$700**	\$800**	\$900**	\$1,000**	\$1,100**	\$1,200**
	8	\$800**	\$900**	\$1,000**	\$1,100**	\$1,200**	\$1,300**
	9	\$900**	\$1,000**	\$1,100**	\$1,200**	\$1,300**	\$1,400**
	10+	\$1,000**	\$1,100**	\$1,200**	\$1,300**	\$1,400**	\$1,500**

* If contested, add \$100

** This schedule is to be used for all sections/provisions of Chapter 156 except §§ 156.057(A)(2) - 156.057(A)(2)(a) and (b) and whenever the Code Official determines there has been a violation of such sections, the Code Official may issue a citation in accordance with § 156.804(A), or in lieu of issuing such citation, such Code Official may issue notice in accordance with § 156.804(C).

SECTION II: This Ordinance shall take effect upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

Rick Blackwell
President of the Council

Jerry E. Abramson
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney

BY: _____

LMCO 156 Property Maintenance Code Reenactment ROCbknDraft2	8-29-06
LMCO156PropertyMaintenanceCodeReenactmentROCbknDraft3.doc	9-7-06
LMCO156PropertyMaintenanceCodeReenactmentROCbknDraft3a.doc	9-8-06
LMCO156PropertyMaintenanceCodeReenactmentROCbkn_BE_Draft3b.doc	9-19-06
LMCO156PropertyMaintenanceCodeReEnactmentROCbkn_pm_BE_Draft4.doc	10-3-06
LMCO156PropMaintCodeReEnactROCbkn_pm_BE__BSchindlerDraft5.doc	101606
LMCO156PropMaintCodeReEnactROCbkn_pm_BE__BSchindlerDraft5_2007_PresBlackwell.doc	2-5-07
LMCO156PropMaintCodeReEnactROCbkn_pm_BE__BSchindlerDraft6_2007_PresBlackwell.doc	2-13-07